

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ANTONIO LUCAS,

Debtor.

DARRYL CHIMKO,

Appellant

v.

RICHARD A. KING, US TRUSTEE,

Appellee

Civil Number 03-cv-40277-WGY

Bankruptcy Appeal
03-42229-JBR

UNITED STATES TRUSTEE'S **ASSENTED TO MOTION**
TO BE REMOVED AS APPELLEE
(WITH CERTIFICATE OF CONFERENCE)

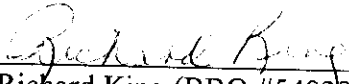
Pursuant to 28 U.S.C. § 158(a), Fed. R. Bankr. P. 8001, 8004 and 8006, Fed. R. App. P. 6, **and with the assent of the appellant**, Richard King, Assistant United States Trustee, moves the Court to remove him as a named appellee in this appeal, because he is not the United States Trustee, has not participated in either these proceedings or the proceedings now pending before the Massachusetts Supreme Judicial Court as a result of this Court's certification, and he has no stake in the appeal's ultimate resolution. The United States Trustee submits, therefore, that the Court should redact the style of the appeal.

WHEREFORE, the United States Trustee prays that the Court enter an order: i) removing Richard King, Assistant U.S. Trustee, as a named appellee in this appeal; ii) redacting the style of the appeal by removing any reference to the United States Trustee; and iii) granting him general relief.

Respectfully submitted,

Phoebe Morse
United States Trustee

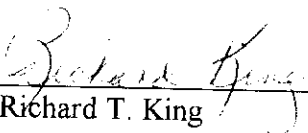
By:


Richard King (BBO #549382)
Assistant U.S. Trustee
United States Department of Justice
Office of the United States Trustee
446 Main Street, 14th floor
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Dated: February 16, 2005.

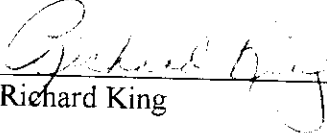
CERTIFICATE OF CONFERENCE

The undersigned certifies that, on February 15, 2005, he spoke with counsel for the Appellant, Stephen E. Shamban, Esq., who indicated that he did not oppose the relief here requested.


Richard T. King

CERTIFICATE OF SERVICE

The undersigned certifies that on February 16, 2005, true and correct copies of the foregoing Motion were served via United States mail, First Class postage pre-paid, upon the individuals listed below.


Richard King

Stephen E. Shamban, Esq.
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